

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LUIS ALBERTO ESPINOZA SARMIENTO, :
GEOVANI PEREZ, ALFREDO PEREZ, :
JASMANY ADRIAN ORTIZ FERNANDEZ, :
MILTON HERNANDEZ, WILSON :
HERNANDEZ, and CIRILO TORRES, :
individually and on behalf of all others :
similarly situated, :
:

22-CV-9718 (VSB)

ORDER

Plaintiffs, :

-against- :

FLAGGE CONTRACTING INC., :
FRANCISCO RODRIGUEZ and MIGUEL :
RODRIGUEZ MONTEIRO, as individuals, :
:

Defendants. :

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VERNON S. BRODERICK, United States District Judge:

This action having been commenced on November 15, 2022 by the filing of the Complaint, (Doc. 1), and Defendants Flagge Contracting Inc., Francisco Rodriguez, and Miguel Rodriguez Monteiro having been served on November 29, 2022¹ (*see* Docs. 9, 10), and the Defendants not having answered the Complaint and the time for answering the Complaint having expired, I held an Order to Show Cause hearing in this action.

The Order to Show Cause hearing was held on June 8, 2023, at 2:00 p.m. Defendants failed to appear at that hearing. To date, no notice of appearance for Defendants has been filed. It being necessary for a corporate defendant to be represented by counsel, *see Grace v. Bank Leumi Trust Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006), and none having appeared on behalf

¹ Flagge Contracting Inc. was also served through the Office of the Secretary of State of New York State on November 30, 2023. (Doc. 9.)

of Defendant Flagge Contracting Inc., proof of service upon Defendants having been duly filed (Docs. 9, 10, 32, 40, 42, 44), Defendants not having answered the Complaint, and the time for Defendants to answer or move with respect to the Complaint having expired, it is hereby:

ORDERED that a default is entered against Flagge Contracting Inc., Francisco Rodriguez, and Miguel Rodriguez Monteiro.

IT IS FURTHER ORDERED that this action be referred to Magistrate Judge James L. Cott for an inquest into damages.

SO ORDERED.

Dated: June 9, 2023

New York, New York



Vernon S. Broderick
United States District Judge